

**WOOD, HERRON & EVANS, L.L.P.**

JOHN D. POFFENBERGER  
BRUCE TITTEL  
DONALD F. FREI  
DAVID J. JOSEPHIC  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINBRUNNER  
DAVID H. BRINKMAN

OF COUNSEL  
THOMAS W. FLYNN

TRADEMARK AND INT'L  
PATENT ADMINISTRATION  
KATHRYN P. EVANS  
STAFF ATTORNEY

2700 CAREW TOWER

441 VINE STREET

CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

FACSIMILE: 513-421-7269

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD  
1923-1968  
TRUMAN A. HERRON  
1935-1976  
EDWARD B. EVANS  
1936-1971

JOSEPH R. JORDAN  
C. RICHARD EBY  
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.  
BEVERLY A. LYMAN, Ph.D.  
KRISTI L. DAVIDSON  
P. ANDREW BLATT  
DAVID E. JEFFERIES  
WILLIAM R. ALLEN, Ph.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
G. PRASHAKAR REDDY  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH O. GRABER  
LARRY D. MOORE, B.S.E.E.

HENRY M. LABODA, Ph.D.  
TECHNICAL ADVISOR

RECEIVED  
CENTRAL FAX CENTER

FEB 12 2004

**FACSIMILE COVER SHEET**

TO: Commissioner for Patents  
Examiner: Kathryn L. Thompson  
Group Art Unit: 3763

FROM: Kurt L. Grossman, Esq.

**OFFICIAL**

DATE: February 12, 2004

RE: Serial No. 09/978,457  
**Safety Intravenous Catheter**  
Our Ref.: MDXVA-33DV-114

FAX NO.: 1-703-872-9306

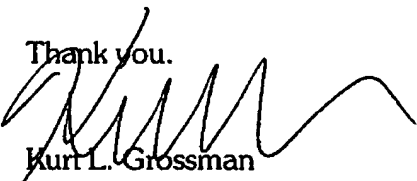
TOTAL PAGES: 12 (including cover sheet)

## MESSAGE/COMMENTS:

**OFFICIAL**

Attached please find a Transmittal and Response to Official Action in the above-captioned matter. Entry of the Response is requested. No fee is believed due herefor, but if one is due, per the Response Transmittal, the Office is authorized to charge our Deposit Account No. 23-3000.

Thank you.

  
Kurt L. Grossman  
Reg. No. 29,799

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this fax is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via United States Postal Service. Thank you.

**PATENT**

I hereby certify that this correspondence and the enclosures are being transmitted via facsimile to Commissioner for Patents at facsimile number 1-703-872-9306 on February 12, 2004.

  
Kurt L. Grossman, Esq., Reg. No. 29,799

2/12/04  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/978,457  
Filed: October 16, 2001  
Group Art Unit: 3763  
Examiner: Kathryn L. Thompson  
Applicant: Joseph J. Chang  
Title: **Safety Intravenous Catheter**  
Atty Docket: 56301P579D (MDXVA-33DV-114)  
Confirmation No.: 5126

Cincinnati, Ohio 45202

February 12, 2004

Mail Stop NON-FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

1. Transmitted herewith is a Response to the Official Action mailed January 20, 2004.
2. ☐ Small Entity status of this application under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Enclosed is a verified statement to establish Small Entity status.  
☒ Other than a Small Entity.

3. The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	8	MINUS	20		x \$9	\$0	x \$18	\$0
INDEP.	1	MINUS	3		x \$43	\$0	x \$86	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+\$145	\$0	+\$290	\$0
TOTALS					TOTAL FEE	\$0	TOTAL FEE	\$0

- ☐ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ☐ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- ☐ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

\_\_\_ No additional fee for claims is required.

4. Attached is a check in the sum of \$0.00.

\_\_\_ Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_.  
A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

- (a) \_\_\_ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
— one month	\$ 110.00	\$ 55.00
— two months	\$ 410.00	\$205.00
— three months	\$ 930.00	\$465.00
— four months	\$1,450.00	\$725.00
— five months	\$1,970.00	\$985.00

Extension fee due with this request \$0.00.

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

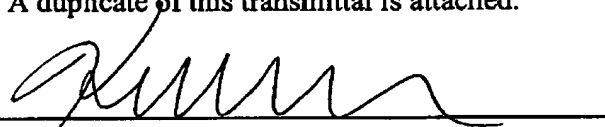
- An extension for \_\_\_\_ months has already been secured and the fee paid thereof of \$ \_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$ \_\_\_\_.

OR

- (b) X Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

- X If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

WOOD, HERRON & EVANS, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
(513) 241-2324

  
(Signature of Attorney)

Kurt L. Grossman  
Reg. No. 29,799

I hereby certify that this correspondence is being transmitted via facsimile to Commissioner for Patents at facsimile number 1-703-872-9306, on February 12, 2004.

Kurt L. Grossman, Esq., Reg. No. 29,799

Date

PATENT 2-17  
#10/5

RECEIVED  
CENTRAL FAX CENTER

FEB 12 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number: 09/978,457  
Filed: October 16, 2001  
Group Art Unit: 3763  
Examiner: Kathryn L. Thompson  
Applicant: Joseph J. Chang  
Title: Safety Intravenous Catheter  
Attorney Ref.: 56301P579D (MDXVA-33DV-114)  
Confirmation No.: 5126

Cincinnati, Ohio 45202

February 12, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO OFFICIAL ACTION**

This is in response to the Official Action mailed January 20, 2004. Reconsideration is respectfully solicited.

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.